

REMARKS

Claims 22-29 and 36 are objected to. Claims 22 and 30 are rejected as anticipated. Claims 23-28, 31, and 32 are rejected as obvious. Claims 22-36 remain pending.

Objection to Claim 22.

Claim 22 (and Claim 30) has been amended to address the Examiner's objection regarding clarity. Support for the amendment is found, for example, at page 2, lines 17-30. No new matter is added.

Objection to Claim 29 and 36

Claims 29 and 36 have been amended to address the Examiner's objection regarding clarity. Support for the amendment is found, for example, at page 13, lines 5-16. No new matter is added.

102 Rejection:

Claims 22 and 30 are rejected as anticipated by Goodman et al ('036). It is respectfully urged that this rejection is improper for at least the following reasons.

With respect to Claim 22, as amended, it is respectfully urged that '036 does not teach a method of controlling a laser including processing an optical stimulus and an optical response. Referring to column 5, lines 15-20 of the '036 patent, Goodman et al. describes an automatic feedback control system based on the ablation characteristics of the specific material (tooth material) being ablated. It is respectfully urged that the '036 patent does not appear to teach the control method of amended Claim 1, which includes processing an optical stimulus and an optical response to determine a temperature.

Likewise, it is respectfully urged that the '036 patent does not teach the subject matter of Claim 30 as amended. Accordingly, withdrawal of the rejections is requested.

103 Rejections:

It is respectfully urged that the obviousness rejections of the claims are overcome in view of the explanation above with respect to base independent claims 22 and 30.

Further, it is respectfully urged that the Examiner has not set forth a prima facie case of obviousness. The Examiner admits that Goodman does not teach the use of a control band, but the Examiner then goes on to conclude that the claims are obvious because Goodman teaches a system used on teeth to ablate different types of material. It is respectfully urged that the Examiner has not shown how a teaching of ablating tooth material, wherein each type of material, according to the Examiner, has it's own threshold, would teach or suggest the control method of the present invention using a control band.

It is respectfully urged that the Examiner's rejection is not based on anything in the prior art that would make the Examiner's proposed modification of Goodman obvious. Instead, it is respectfully urged that the Examiner's rejection is merely the Examiner's unsubstantiated belief that ablating tooth materials somehow suggests using a control band as recited in the rejected claims. Accordingly, the rejections should be withdrawn. As set forth in the MPEP, the motivation for modifying or combining references in rejecting a claim must be found in the prior art. Here, it is respectfully urged the Examiner is modifying the Goodman et al. reference based merely on a conclusory opinion that is not based on teachings in the prior art.

The Examiner is respectfully requested to reconsider and allow the claims as amended.

Respectfully submitted,

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Dated August 4, 2005